

Remarks/Arguments

This paper is submitted responsive to the Office Action mailed January 3, 2007. Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

In the aforesaid action, the Examiner rejected claims 1-4, 7-8, 10, 15-17, 19-20 and 22 as anticipated by Tamura (JP 4327748), rejected claims 5-6, 9, 11-14, 18, 21 and 23 as obvious based upon Tamura and Bush et al. (US 6397186), and rejected claims 24-25 as obvious based upon Tamura and the ESI Publication.

By the present paper, the claims have been amended such that independent claim 1 now calls for the subject matter of former dependent claim 24, and such that claim 15 calls for the subject matter of former dependent claims 19-21. Each of these claims is submitted to be allowable over the art of record.

Claim 1 as amended calls for the HVAC device to create a noise zone around it, and for the control module to be positioned outside the noise zone. The Examiner has previously rejected claim 24 based upon an asserted teaching from Tamura that the two modules are far apart, and an asserted teaching from ESI that an HVAC component creates a noise zone. Reconsideration of this rejection as it relates to claim 1 is respectfully requested. First, nothing in Tamura appears to support the Examiner's conclusion that the modules "are located far apart". Nothing in the English language abstract of this document states this. Further, the drawing from Tamura could be showing components that are several inches from each other or that are several miles from each other. No indication is given as to which. Certainly, Tamura does not teach all

that is claimed in amended claim 1. In connection with ESI, all this document teaches is that heavy machinery makes noise. Nothing in ESI or Tamura would even remotely suggest placement of the control module outside the noise zone as called for by claim 1 as amended. Nowhere is there any indication in the art of record that a speech recognition member should be located outside of the noise zone of the appliance which it is intended to control.

ESI is drawn to noise control for HVAC equipment. Thus, the teachings in this document are drawn to ways of controlling noise, not adapting to it as is done by the claimed invention.

Claim 15 has been carefully rewritten to include the subject matter of former dependent claim 21. Thus, claim 15 now calls for the device to include an indicator member which is a speech generator. The combination of Tamura and Bush et al. does not teach this. Claim 15 specifically calls for the control module to include the speech generator. This is particularly helpful in situations where the user might be sight impaired and therefore could not see any visual indicator acknowledging his instructions. Bush et al. makes reference to some device having the ability to generate speech. However, nothing in the art of record teaches how the asserted combination of this teaching with Tamura is to take place. It is submitted that there is no motivation to combine the selected features of Tamura with Bush et al. as has been done by the Examiner, and therefore that claim 15 is allowable over the art of record.

Dependent claims 2-14 and 16-18 and 22-25 are all believed to be allowable based upon the remarks and

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amendments set forth herein, and further in their own right.

Reconsideration of the rejection and favorable treatment of the pending claims is therefore respectfully requested.

It is submitted that the claims as set forth herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

Please charge fee not separately addressed, as well as any fee deficiency, to deposit account no. 02-0184.

Respectfully submitted,
Tomas Diez et al.

By /george a. coury/

George A. Coury
Attorney for Applicant
Tel 203-777-6628, x113
Fax 203-865-0297
E-mail: docket@bachlap.com

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